

**ORDINANCE NO. 20220118-002**

**AN ORDINANCE ORDERING A SPECIAL MUNICIPAL ELECTION TO BE HELD IN THE CITY OF AUSTIN ON MAY 7, 2022, TO SUBMIT TO THE VOTERS A PROPOSED CITIZEN-INITIATED ORDINANCE, CERTIFIED SUFFICIENT ON JANUARY 10, 2022, REGARDING THE CREATION OF THE "AUSTIN FREEDOM ACT OF 2021" INCLUDING MEASURES TO ELIMINATE LOW-LEVEL MARIJUANA ENFORCEMENT AND BAN NO-KNOCK WARRANTS; AND AUTHORIZING THE CITY CLERK TO ENTER INTO JOINT ELECTION AGREEMENTS WITH OTHER LOCAL POLITICAL SUBDIVISIONS AS MAY BE NECESSARY FOR THE ORDERLY CONDUCT OF THE ELECTION.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

**PART 1.** A special municipal election shall be held in the City of Austin on May 7, 2022, to submit to the voters of the City a proposed citizen-initiated ordinance regarding the elimination of low-level marijuana offenses and banning the use of "no-knock" warrants by Austin police. The ballot shall be prepared to permit voting "Yes" or "No" on the Proposition:

**Proposition A:** Shall an initiative ordinance be approved to (1) eliminate enforcement of low-level marijuana offenses and (2) ban the use of "no knock" warrants by Austin police?

**PART 2.** If the proposition provided in Part 1, above, is approved by a majority of voters voting at the election, the City Code is amended as indicated below:

An ordinance creating the "Austin Freedom Act of 2021" including measures to eliminate low-level marijuana enforcement and ban no-knock warrants.

**BE IT ORDAINED BY THE VOTERS OF THE CITY OF AUSTIN:**

Part 1. Title 16 of the City Code is hereby created, to be titled "Austin Freedom Act of 2021."

Part 2. Title 16, Chapter 16-1 is hereby created to read: CHAPTER 16-1.  
ELIMINATION OF MARIJUANA ENFORCEMENT.

§ 16-1-1 ENDING CITATIONS AND ARRESTS FOR MISDEMEANOR  
POSSESSION OF MARIJUANA.

Austin police officers shall not issue citations or make arrests for Class A or Class B misdemeanor possession of marijuana offenses, except in the limited circumstances described in § 16-1-1(B).

- (A) The only circumstances in which Austin police officers are permitted to issue citations or make arrests for Class A or Class B misdemeanor possession of marijuana are when such citations or arrests are part of:
  - (1) the investigation of a felony level narcotics case that has been designated as a high priority investigation by an Austin police commander, assistant chief of police, or chief of police; and/or
  - (2) the investigation of a violent felony.
- (B) In every instance other than those described in § 16-1-1(B), if an Austin police officer has probable cause to believe that a substance is marijuana, an officer may seize the marijuana. If the officer seizes the marijuana, they must write a detailed report and release the individual if possession of marijuana is the sole charge.
- (C) Austin police officers shall not issue any charge for possession of marijuana unless it meets one or both of the factors described in § 16-1-1(B).

**§ 16-1-2 CITATIONS FOR POSSESSION OF DRUG RESIDUE OR DRUG PARAPHERNALIA SHALL NOT BE ISSUED IN LIEU OF A POSSESSION OF MARIJUANA CHARGE.**

- (A) A class C misdemeanor citation for possession of drug residue or drug paraphernalia shall not be issued in lieu of a possession of marijuana charge.

**§ 16-1-3 PROHIBITION AGAINST USING CITY FUNDS OR PERSONNEL TO CONDUCT THC CONCENTRATION TESTING.**

- (A) No City funds or personnel shall be used to request, conduct, or obtain tetrahydrocannabinol (THC) testing of any cannabis-related substance to determine whether the substance meets the legal definition of marijuana under state law, except in the limited circumstances of a police investigation pursuant to § 16-1-1(B).
- (B) This prohibition shall not limit the ability of Austin police to conduct toxicology testing to ensure public safety, nor shall it limit THC testing for the purpose of any violent felony charge.

Part 3. Title 16, Chapter 16-2 is hereby created to read: CHAPTER 16-2. BAN ON NO-KNOCK WARRANTS.

§ 16-2-1 “NO KNOCK” SEARCH WARRANTS SHALL NOT BE USED. No Austin police officer may request, execute, or participate in the execution of any search warrant that does not require the officer to knock and announce their presence and wait at least 15 seconds prior to execution.

§ 16-2-2 OFFICER DISCIPLINE. Any violation of this chapter may subject an Austin police officer to discipline as provided by the Texas Local Government Code, Chapter 143, or as provided in City policy.

**PART 3.** A direct electronic recording voting system, as the term is defined in Title 8 of the Texas Election Code, shall be used for early voting and for voting conducted on election day. The central counting station is established at the Travis County Elections Division, 5501 Airport Boulevard, Austin, Texas.

**PART 4.** Notice of this election shall be posted and published in accordance with state law. The notice shall be posted, in both English and Spanish, in the office of the City Clerk and at the City Hall notice kiosk not later than the 21<sup>st</sup> day before election day. Notice of this election shall be published one time, in English and Spanish, not earlier than the 30<sup>th</sup> day before the date of the election or later than the 10<sup>th</sup> day before the date of the election, in a newspaper of general circulation in the City of Austin.

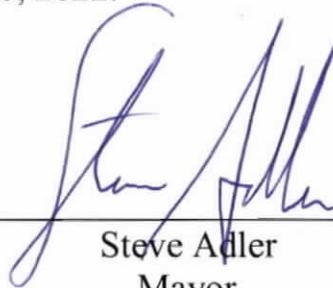
**PART 5.** In accordance with Chapter 271 of the Texas Election Code, the May 7, 2022 special municipal election may be held jointly with the various political subdivisions that share territory with the City of Austin and that are holding elections on that day. The City Clerk may enter and sign joint election agreements with other political subdivisions for this purpose, and their terms as stated in the agreements are hereby adopted.

**PART 6.** This ordinance takes effect on January 28, 2022.

**PASSED AND APPROVED**

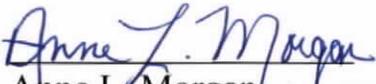
January 18, 2022

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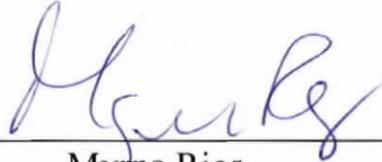


Steve Adler  
Mayor

**APPROVED:**

  
Anne L. Morgan  
City Attorney

**ATTEST:**



Myrna Rios  
City Clerk